

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2914

BY DELEGATES MILEY, QUEEN, HAMRICK, WAXMAN,

FLEISCHAUER, PETHTEL, FLUHARTY AND ZUKOFF

[Introduced February 7, 2019; Referred
to the Committee on the Judiciary then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §39-4-37, relating to establishing commissioners for out-of-state notarizations
3 of documents relating to West Virginia property for recordation in West Virginia;
4 authorizing the Governor to make commissioner appointments; establishing authority and
5 duties of commissioners; requiring financial surety for commissioners; authorization of
6 collection and distribution of fees; providing for seal and oath of office; providing for
7 certification and administration by Secretary of State; and providing for authentication of
8 documents.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. REVISED UNIFORM LAW ON NOTARIAL ACTS.

§39-4-37. Authorization of Commissioners for out-of-state pertaining to in-state property.

1 (a) The Governor may appoint any persons residing within or without this state and within
2 the United States, its territories or possessions as commissioners to acknowledge signatures
3 performed in or out-of-state by persons residing in or out of the State of West Virginia covering
4 deeds, leases, and other writings pertaining to West Virginia property for recordation in the State
5 of West Virginia. The commissioners shall hold office for 10 years, unless sooner removed by the
6 Governor. Before performing any duties as a commissioner, the commissioner shall enter into a
7 bond in the penalty sum of \$1,000 with corporate surety to be approved by the Secretary of State
8 and filed in his or her office. A fee of \$100 for each commission issued shall be paid to the
9 Secretary of State. All fees and moneys collected by the Secretary of State pursuant to the
10 provisions of this section shall be deposited by the Secretary of State as follows: One-half shall
11 be deposited in the state General Revenue Fund and one-half shall be deposited in the service
12 fees and collections account established by §59-1-2 of this code, for the operation of the office of
13 the Secretary of State. The Secretary of State shall dedicate sufficient resources from that fund
14 or other funds to provide the services required in this section.

15 (b) Any commissioner appointed under this section in any state, territory, or district may

16 lawfully administer any oath of affidavit or deposition in the state, territory, or district where a
17 commissioner is appointed for an affidavit or deposition to be used in the State of West Virginia.

18 (c) Commissioners, under rules prescribed by law, may take, within or any place out of the
19 State of West Virginia, the acknowledgments of deeds and other writings to be admitted to record
20 in the State of West Virginia, but each such acknowledgement shall reflect where the
21 acknowledgment was taken, for example, the state and county, or territory.

22 (d) Every commissioner shall provide an official seal, on which shall be inscribed his or
23 her name and residence, and the words “commissioner for West Virginia.” An impression of such
24 seal, together with his or her signature, shall be transmitted to and filed in the office of the
25 Secretary of State.

26 (e) Every certificate of a commissioner shall be authenticated by his or her signature and
27 official seal.

NOTE: The purpose of this bill is to reestablish Notary Commissioners for out-of-state notarizations of documents relating to West Virginia property for recordation in West Virginia; authorizing the Governor to make commissioner appointments; establishing authority and duties of commissioners; requiring financial surety for commissioners; authorization of collection and distribution of fees; providing for seal and oath of office; and providing for certification and administration by Secretary of State.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.